

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY MAY 3, 2006

AMENDED IN ASSEMBLY APRIL 20, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2510

Introduced by Assembly Member Lieu

February 23, 2006

An act to ~~add Article 11.5 (commencing with Section 32410) to Chapter 3 of Part 19 of the Education Code, and to amend Section 11605 of, and to add Section 11605.1 to, the Health and Safety Code, relating to pupils.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2510, as amended, Lieu. Pupils: survey: harassment.

~~(1) Existing federal law requires local educational agencies that accept specified federal funds pursuant to the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) to administer a specified survey at least once every two years, as specified.~~

~~This bill would require the survey to also assess the experiences pupils with harassment and bullying, as specified.~~

~~(2) Existing~~

Existing law requires the Attorney General to conduct a biennial survey of drug and alcohol use among pupils enrolled in grades 7, 9, and 11, and to prepare and distribute a report on the findings of the survey, as specified.

This bill would require the survey to also assess the experiences of pupils with harassment and bullying, as specified, *and would permit the survey to include the assessment of other related topics. The bill would change the timing for the release of the findings of the survey from May to September.* This bill would require the Attorney General to prepare and distribute a separate report focusing on bias-related discrimination and harassment incidents, as specified.

The bill would require the Attorney General, in collaboration with the State Department of Education, to prepare and distribute a supplemental report, as specified, focusing on bias-related discrimination and harassment incidents disaggregated by race, ethnicity, gender, and sexual orientation, if funding is appropriated for this purpose in the annual Budget Act or another statute. The bill would require the Attorney General, in preparing the supplemental report, to consult and partner with organizations and researchers with expertise in bias-related discrimination and harassment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Article 11.5 (commencing with Section 32410)~~
2 ~~is added to Chapter 3 of Part 19 of the Education Code, to read:~~
3
4 ~~Article 11.5. Safe and Drug-Free Schools and Communities~~
5 ~~Act~~
6
7 ~~32410. (a) A survey administered by a local educational~~
8 ~~agency for the purpose of complying with the requirements of~~
9 ~~Title IV of the federal No Child Left Behind Act of 2001 (20~~
10 ~~U.S.C. Sec. 6301 et seq.) shall include an assessment of the~~
11 ~~following:~~
12 ~~(b) (1) The experience of pupils with harassment and~~
13 ~~bullying, including bias-related discrimination and harassment~~
14 ~~based on the characteristics set forth in Section 220 of the~~
15 ~~Education Code and Section 422.55 of the Penal Code, including:~~
16 ~~(2) The frequency and type of harassment and bullying,~~
17 ~~including bias-related discrimination and harassment incidents,~~
18 ~~including, but not limited to, verbal harassment and physical~~
19 ~~assaults.~~

1 ~~(3) The pupil's ability to report and frequency of reporting~~
2 ~~harassment and bullying, including bias-related discrimination~~
3 ~~and harassment incidents.~~

4 ~~(4) The outcome of reporting harassment and bullying,~~
5 ~~including bias-related discrimination and harassment incidents.~~

6 ~~(5) The experience of pupils with school-based programs that~~
7 ~~address harassment and bullying, including bias-related~~
8 ~~discrimination and harassment.~~

9 ~~SEC. 2.~~

10 *SECTION 1.* Section 11605 of the Health and Safety Code is
11 amended to read:

12 11605. (a) Commencing with the 1991–92 fiscal year, the
13 Attorney General, in consultation with the Governor's Policy
14 Council on Alcohol and Drug Abuse, shall conduct a biennial
15 survey of drug and alcohol use and experience with harassment
16 and bullying among pupils enrolled in grades 7, 9, and 11. The
17 survey shall assess all of the following:

18 (1) The frequency and type of substance abuse.

19 (2) The age of first use and intoxication.

20 (3) Pertinent attitudes and experiences of pupils.

21 ~~(4) The experience of pupils with school-based drug and~~
22 ~~alcohol prevention programs.~~

23 ~~(5)~~

24 (4) The experience of pupils with harassment and bullying,
25 including bias-related discrimination and harassment based on
26 the characteristics set forth in Section 220 of the Education Code
27 and Section 422.55 of the Penal Code, ~~including:~~ *Code.*

28 (b) *The survey also may assess any of the following:*

29 (A)

30 (1) The frequency and type of harassment and bullying,
31 including bias-related discrimination and harassment incidents,
32 including, but not limited to, verbal harassment and physical
33 assaults.

34 (B)

35 (2) The pupil's ability to report and frequency of reporting
36 harassment and bullying, including bias-related discrimination
37 and harassment incidents.

38 (C)

39 (3) The outcome of reporting harassment and bullying,
40 including bias-related discrimination and harassment incidents.

1 ~~(D) The experience of pupils with school-based programs that~~
2 ~~address harassment and bullying, including bias-related~~
3 ~~discrimination and harassment.~~

4 ~~(6) As an optional component, the survey may examine the~~

5 ~~(4) The risk factors associated with school dropouts.~~

6 ~~(b)~~

7 (c) The biennial survey shall be based on a statewide sample
8 of pupils enrolled in grades 7, 9, and 11 and shall be consistent
9 with the surveys conducted by the office of the Attorney General
10 in the 1985–86, 1987–88, and 1989–90 fiscal years.

11 ~~(e)~~

12 (d) The Attorney General shall release the findings of the
13 survey on or before ~~May~~ *September* of each even-numbered year
14 and shall prepare and distribute a report on the overall survey
15 results and a separate report focusing on bias-related
16 discrimination and harassment incidents disaggregated by race,
17 ethnicity, gender, and sexual orientation to the Legislature, the
18 Governor, the Superintendent of Public Instruction, law
19 enforcement agencies, school districts, and interested members of
20 the general public.

21 ~~(d)~~

22 (e) In conducting the survey, the Attorney General shall ensure
23 that the confidentiality of participating school districts and pupils
24 shall be maintained. Pupil questionnaires and answer sheets shall
25 be exempt from the public disclosure requirements prescribed by
26 Chapter 3.5 (commencing with Section 6250) of Division 7 of
27 Title 1 of the Government Code.

28 ~~(e)~~

29 (f) Persons reporting data pursuant to the requirements of this
30 article shall not be liable for damages in any action based upon
31 the use or misuse of pupil surveys that are mailed or otherwise
32 transmitted to the Attorney General, or his or her designee.

33 ~~(f)~~

34 (g) The requirements prescribed by this article shall continue
35 to be funded with the existing resources of the Attorney General.

36 SEC. 2. *Section 11605.1 is added to the Health and Safety*
37 *Code, to read:*

38 11605.1. *Subject to an appropriation for this purpose in the*
39 *annual Budget Act or another statute, the Attorney General, in*
40 *collaboration with the State Department of Education, shall*

1 *prepare and distribute a supplemental report on or before*
2 *September of each even-numbered year analyzing the survey*
3 *results pursuant to paragraph (4) of subdivision (a) of Section*
4 *11605, focusing on bias-related discrimination and harassment*
5 *incidents disaggregated by race, ethnicity, gender, and sexual*
6 *orientation, to the Legislature, the Governor, the Superintendent*
7 *of Public Instruction, law enforcement agencies, school districts,*
8 *and interested members of the general public. In preparing the*
9 *supplemental report, the Attorney General shall consult and*
10 *partner with organizations and researchers with expertise in*
11 *bias-related discrimination and harassment.*